

2314. Misbranding of potato pancake mix. U. S. v. 19 Packages of Potato Pancake Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3833. Sample No. 46909-E.)

This product was contained in a wax paper bag enclosed in a carton. The bag and contents occupied less than 60 percent of the capacity of the carton.

On February 17, 1941, the United States attorney for the District of New Jersey filed a libel against 19 packages of potato pancake mix at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 20, 1941, by Horowitz & Margaretten from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CORN MEAL

2315. Adulteration of corn meal. U. S. v. Elam Mills, Inc. Plea of nolo contendere. Fine, \$1 and costs. (F. D. C. No. 4171. Sample No. 31570-E.)

Examination of this product showed that it contained insect fragments, sand particles, rodent excreta and rodent hairs, and corn cockle fragments.

On August 13, 1941, the United States attorney for the Northern District of Illinois filed an information against Elam Mills, Inc., Chicago, Ill., alleging shipment on or about January 23, 1941, from the State of Illinois into the State of Michigan of a quantity of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance.

On October 28, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$1 and costs.

2316. Adulteration of corn meal. U. S. v. Evans Mills, Inc., and Benjamin W. Evans. Plea of guilty. Fines, \$210. (F. D. C. No. 4123. Sample Nos. 28862-E, 28863-E, 28864-E, 28872-E, 28873-E, 28874-E.)

Samples of this product were found to contain rodent hairs, rodent excreta, and insect fragments.

On June 9, 1941, the United States attorney for the Eastern District of North Carolina filed an information against Evans Mills, Inc., a corporation, and Benjamin W. Evans at Edenton, N. C., alleging shipment within the period from on or about August 5 to on or about September 3, 1940, from the State of North Carolina into the State of Virginia of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Virginia Dare Burr Slowly Ground Corn Meal."

On September 22, 1941, pleas of guilty were entered on behalf of the defendants and the court imposed fines totaling \$210.

2317. Adulteration of corn meal. U. S. v. William G. Justis, Raymond M. Hudson, and Robert A. Justis (Manchester Corn Mill). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 2975. Sample Nos. 3145-E, 19228-E, 19233-E.)

Samples of this product were found to contain rodent hairs, rodent excreta, and insect fragments.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against William G. Justis, Raymond M. Hudson, and Robert A. Justis, copartners trading as Manchester Corn Mill, at Richmond, Va., alleging shipment within the period from on or about April 8 to on or about August 28, 1940, from the State of Virginia into the State of Pennsylvania of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the article was labeled in part: "Justis Old Virginia Water Ground Table Meal."

On October 21, 1941, a plea of nolo contendere was entered on behalf of the defendants and the court imposed a fine of \$25.00 on each of the three counts of the information.

2318. Adulteration of corn meal. U. S. v. The Merchants Co. Defendant defaulted appearance. Sentence, \$750 and costs. Defendant appeared and moved to reopen case; sentence reduced to \$150 and costs. (F. D. C. No. 2945. Sample Nos. 9856-E, 9857-E, 35334-E.)

The product involved in this case contained filth in the form of rodent excreta fragments, rodent hairs, adult insects, insect larvae, and miscellaneous insect fragments.

On April 16, 1941, the United States attorney for the Southern District of Mississippi filed an information against the Merchants Co., a corporation, Jackson, Miss., alleging shipment within the period from on or about July 27 to on or about September 6, 1940, from the State of Mississippi into the State of Louisiana of quantities of corn meal which was adulterated. It was labeled in part: "Red Bird Corn Meal Made From White Corn Manufactured by Valley Mills Jackson, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 9, 1941, the defendant having failed to appear when the case was called, the court imposed a fine of \$750 and costs. On May 12, 1941, the defendant appeared and moved for a reduction of the fine on the grounds that it had defaulted through inadvertence and prayed that it be granted an opportunity to offer facts in extenuation of the offense charged. On May 13, 1941, the court having heard and considered the statement of extenuating circumstances, the penalty was reduced to \$150 and costs.

2319. Adulteration of corn meal. U. S. v. 187 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 5086. Sample No. 9552-E.)

Examination showed this product to be insect-infested.

On July 3, 1941, the United States attorney for the Southern District of Alabama filed a libel against 187 sacks of corn meal at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about April 5, 1941, by J. F. Weinmann Milling Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Rose City Roller Mills 96 Lbs. Purity Bolted Corn Cream Meal."

On October 3, 1941, Ziliak & Schafer Milling Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of for animal feed.

2320. Adulteration of corn meal. U. S. v. 238 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 5921. Sample No. 79018-E.)

Examination of this product showed that it contained rodent excreta.

On October 1, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 238 bags of corn meal at Pineville, Ky., alleging that on or about September 6, 1941, W. N. Taylor transported the said article from the Farmers' Hominy Mill at Seymour, Ind., to himself at Pineville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Apex Cream Meal, Farmers' Hominy Mill, Seymour, Ind."

On November 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

2321. Adulteration of macaroni. U. S. v. 171 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 3266. Sample No. 99038-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On October 24, 1940, the United States attorney for the Southern District of Mississippi filed a libel against 171 cases of macaroni at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about May 2 and 16, 1940, by the Colonial Macaroni Manufacturing Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Our Brand Macaroni."

On August 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.